IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 24812 of 2007(D)

PETITIONER:

SUBHASH T.C., AGED 33 YEARS,
S/O.CHANDRAN, THAYYIL HOUSE, PANAMUKKU DESOM,
KANIMANGALAM VILLAGE, NEDUPUZHA P.O.,
THRISSUR DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY (HOME), GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE S.I. OF POLICE, NEDUPUZHA POLICE STATION, THRISSUR DIST.**

3. **THE C.I. OF POLICE, CHERPU POLICE STATION, THRISSUR DIST.**

4. **THE DEPUTY SUPDT. OF POLICE, IRINJALAKUDA, THRISSUR DIST.**

5. **THE C.I. OF POLICE, EAST POLICE STATION, THRISSUR.**

6. **THE DEPUTY SUPDT OF POLICE, THRISSUR.**

7. **THE DISTRICT SUPERINTENDENT OF POLICE, THRISSUR.**

8. **ANTO, ASST.SUB INSPECTOR OF POLICE, NOW WORKING AT D.C.R.B., THRISSUR.**

9. SANDEEP, KUNNAMPATH HOUSE,
NEDUPUZHA P.O., KOORKKANCHERRY,
THRISSUR DISTRICT.

10. SREEJITH, VALAYIL HOUSE, VADOOKKARA,
KOORKKANCHERRY, THRISSUR DISTRICT.

11. SUDHI, THAYYIL HOUSE, (VIA) MULLACKAL,
NEDUPUZHA P.O., KOORKKANCHERRY,
THRISSUR DISTRICT.

BY ADV. SRI.P.SANTHOSH (PODUVAL) -- R9 TO R11
SMT.R.RAJITHA
SRI.MANSOOR.B.H. --- R8
GOVERNMENT PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 24812/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION DT. 1/08/07 BEFORE THE R7 WITH COPIES TO R2 TO R6.

RESPONDENT'S EXHIBITS **NIL.**

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.24812 of 2007-D

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking protection to his life from the alleged threat of respondents 8 to 11. His brother is an accused in Crl.MC. No.171/07 of Nedumpuzha Police Station. It is a case, concerning the murder of a notorious goonda. The petitioner submits, his brother was taken to the police station by him and surrendered there on 08.06.2007. But, without producing him before the Magistrate, he was kept in the lock-up and tortured. So, the petitioner filed a complaint before the Human Rights Commission and a member of the Commission visited the lock-up on 13.06.2007 and found his brother imprisoned there. Later, his brother was produced before the competent criminal court on 14.06.2007. The 8th respondent ASI of Police, is a member of the team, in charge of the investigation of the crime. Being infuriated by the complaint made by the petitioner before the Human Rights Commission, the said respondent has engaged respondents 9 to 11, who are notorious goondas, to physically harass him. Therefore, the petitioner has filed

Ext.P1 representation before the Superintendent of Police, seeking protection to his life. When no action was taken on the said representation, this Writ Petition is filed, seeking appropriate reliefs.

2. The 8th respondent has filed a counter affidavit, denying the allegations raised against him. According to him, they are unfounded and have been made only to harass him, who is a member of the investigating team. The learned counsel for respondents 9 to 11 denies all the allegations raised against them. It is submitted that the petitioner apprehends, he may also be made an accused in the above said crime and to get over that, this Writ Petition is filed. The learned Government Pleader upon instruction submitted that all the allegations of the petitioner are unfounded and no action has been initiated by the Human Rights Commission against the police, for keeping an accused beyond the time limit prescribed under the Cr.PC. The learned Government Pleader also submitted that there will not be any illegal harassment of the petitioner from the part of the Police Officials. They will only do the investigation in accordance with law and if the presence of the petitioner is necessary as a witness, he will be summoned by issuing notice. Having regard to the allegations and counter allegations, we feel that it is not

necessary for this Court to order any protection to the petitioner. If there is any specific case of commission of cognizable offence from the part of the party respondents and on being alerted, the police do not take any action, the petitioner can move the competent criminal court for appropriate reliefs. Subject to that right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

09.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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